

**Daniel Fellner v. Travel 4 All Seasons, LLC**  
**United States District Court - District of Arizona No. 2:19-cv-01719-CDB**  
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# EXHIBIT 1



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## Pickleball in demand on Cruise ships!

Posted by [Al Hague](#) on 5th April 2018 | 402 views



### Dan Fellner, Special for the (Arizona) Republic

SOUTH CHINA SEA — Pickleball, one of the fastest growing sports in America, is starting to make a splash on the high seas.

The sport, hugely popular in active-retirement communities in Arizona and Florida, is now offered on all 14 Holland America ships. And the line's newest ship, Nieuw Statendam, which debuts in December, will feature the game as well.

Other cruise lines, including Princess and Regent Seven Seas, also have added pickleball to some of their ships.

Pickleball is a racket sport that combines elements of tennis, table tennis, and badminton. Paddles are made of wood or composite materials. The ball resembles a wiffleball. The sport can be played with two or four players, although doubles are far more common.

Pickleball was invented in the 1960s in Washington state but only recently has seen a huge growth in popularity. It now routinely attracts more players than tennis in age 55 and older housing developments. The USA Pickleball Association, which is headquartered in Surprise, Ariz., calls it the fastest growing sport in North America.

Erik Elvejord, Holland America's director of public relations, says adding pickleball to the company's ships was a no-brainer "because of many requests we were getting from guests." As an avid pickleball player myself, I was pleasantly surprised to see "meet for a game of pickleball" in the daily program on a recent 14-day Asian cruise on the Holland America Volendam.



I quickly ventured up to the ship's sports deck where Holland America had retrofitted a court that had been used for mini-tennis. The costs for the cruise line were minimal — put some yellow lines on the court, buy paddles and balls, and lower the net a few inches. The courts are surrounded by netting to keep stray balls from landing in the ocean.

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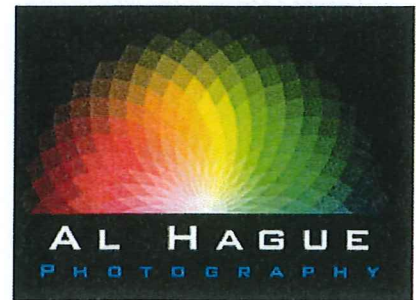
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For Complete information on these and other cruises contact any one of our travel professionals at [www.travel4allseasons.com](http://www.travel4allseasons.com) We are Holland America specialists.



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***Published By***

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**Contact Us**

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## EXHIBIT 2



UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Daniel Fellner,  
Plaintiff,  
v.  
Travel 4 All Seasons, LLC,  
Defendant.

No. 2:19-cv-01719-CDB

**AFFIDAVIT OF ALFRED HAGUE  
IN SUPPORT OF DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT**

State of Arizona )  
) ss.  
County of Maricopa )

Alfred Hague, being first duly sworn, deposes and states as follows:

1. I submit this Affidavit in support of Defendant's Motion for Summary Judgment (the "Motion") filed with the Court on October 24, 2019.

2. I am a disabled U.S. military veteran over 18 years of age, I am of sound mind to make this Affidavit, and I have personal knowledge of the allegations made by Plaintiff Daniel Fellner ("Fellner") in this action. I also have personal knowledge of Defendant Travel 4 All Seasons, LLC ("Travel 4").

3. I am the only member of Travel 4 and I solely maintain the business records for Travel 4.

4. I, through Travel 4, created the website, [www.travel4allseasons.com](http://www.travel4allseasons.com) (the "Website"), to provide general leisure travel information to travel enthusiasts.

5. Travel 4's Website is for informational purposes only. The Website is not for commercial purposes and has never generated any revenue or profit.

6. In fact, Travel 4 does not even have a bank account (and there is no bank account associated with the Website).

7. Travel 4 also does not require a membership fee to access its Website. Instead, Internet users can view the Website without charge.

8. On March 30, 2018, the Arizona Republic posted an article to its website

1 written by Fellner entitled *Pickleball at Sea! These Cruise Ships Have Courts*.

2 9. I saw Fellner's article in an email from Travel Research Online ("TRO").  
3 TRO sends emails with various travel articles and links to people who sign up on its  
4 website. Through TRO's link, I was able to access Fellner's article.

5 10. On or about April 5, 2018, Travel 4 posted an article to its Website entitled  
6 *Pickleball in Demand on Cruise Ships!* (the "Article"). I, through Travel 4, created this Article  
7 using pieces, approximately half, of Fellner's article. I did not use the photographs from  
8 Fellner's article.

9 11. The Article on Travel 4's Website identified Fellner as the original author  
10 and cited to *The Arizona Republic*, where Fellner posted his article.

11 12. Travel 4 did not post the Article for commercial purposes. Instead, Travel  
12 4 posted the Article only to provide travel enthusiasts with information regarding  
13 pickleball.

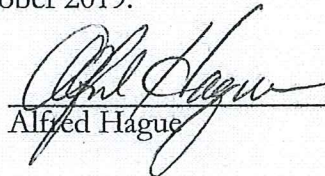
14 13. Travel 4's Website is not visited by a significant amount of people and it  
15 never has been.

16 14. Travel 4 removed the Article from its Website after receiving a copy of the  
17 Complaint in this action.

18 15. Before Fellner filed his Complaint, neither he nor his legal counsel contacted  
19 Travel 4 to request that the company remove the Article (which it would have done had  
20 they made the request).

21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed on this 23rd day of October 2019.

23  
24   
Alfred Hague

25  
26  
27 SUBSCRIBED AND SWORN to before me this 23rd day of October 2019 by Alfred Hague.  
28



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## Pickleball at sea? These cruise ships have courts



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Dan Feller, Special for The Republic Published 5:00 a.m. MT March 30, 2018 | Updated 3:25 p.m. MT April 2, 2018

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(Photo: Dan Feller)

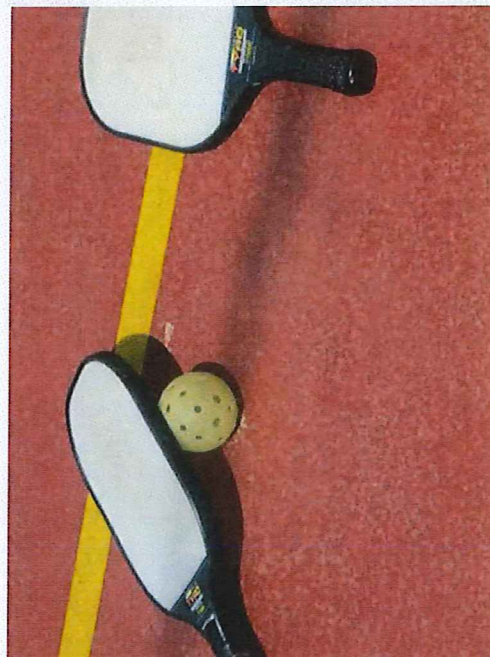
**SOUTH CHINA SEA** – Pickleball, one of the fastest growing sports in America, is starting to make a splash on the high seas.

The sport, hugely popular in the Phoenix area, especially in active-retirement communities, recently was added to the sports offered on all 14 Holland America ships. And the line's newest ship, the Nieuw Statendam, which debuts in December, will feature the game as well.

Other cruise lines, including Princess and Regent Seven Seas, also have added pickleball to some of their ships.

Pickleball is a racket sport that combines elements of tennis, table tennis and badminton. Paddles are made of wood or composite materials; the ball resembles a wiffleball. The sport can be played with two or four players, although doubles is far more common.

## Pickleball popularity takes off



Pickleball paddles and ball. (Photo: Dan Feller)

Pickleball was invented in the 1960s in Washington state, but only recently has seen a huge growth in popularity; it now routinely attracts more players than tennis in age 55 and older housing developments. The USA Pickleball Association, which is headquartered in Surprise, calls it "the fastest growing sport in North America."

Erik Elvejord, Holland America's director of public relations, says adding pickleball to the company's ships was a no-brainer "because of many requests we were getting

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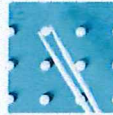
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I quickly ventured up to the ship's sports deck where Holland America had retrofitted a court that had been used for mini-tennis. The costs for the cruise line were minimal – put some yellow lines on the court, buy paddles and balls, and lower the net a few inches. The courts are surrounded with netting to keep stray balls from landing in the ocean.

BY HPE

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The nets may not quite be to exact specifications and the swirling winds can blow a well-executed shot off course. But despite some of the challenges, I was delighted – after years of cruising – to finally have the chance to play the game at sea while working off a few calories from the Volendam's tempting desserts.

### Cruise passengers like pickleball

Jack Thomas, the national president of the pickleball association and a Scottsdale resident, says it's about time cruise lines started hopping on the pickleball bandwagon.

"I think the cruise industry has figured out that pickleball is a very inexpensive way to attract and entertain their passengers and will soon become a must-have onboard activity," he says. "It is super easy to learn to play, great fun for all ages and creates camaraderie among fellow shipmates."

Tino Carrillo, the Volendam's assistant cruise director who oversees the ship's sports – table tennis, shuffleboard, basketball and pickleball – says the latter has been a hit with the ship's mostly older clientele.

"You typically play doubles, so it's less tiring than some other sports," he says. "It's more accessible for everybody. It's something fresh and new that more and more people are enjoying playing."

### Cruising the South China Sea

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## Cruising the South China Sea



The Holland America Volendam docked in Shanghai, China. (Photo: Dan Fellner)

This particular sailing of the Volendam started in Hong Kong and ended in Shanghai, with stops along the way in the Philippines, Taiwan and Japan.

Many of the ship's nearly 1,400 passengers – representing 34 countries – had never heard of the sport. But there was a hard-core group of pickleball fanatics who showed up on sea days for open play or tournaments. Some passengers came out of curiosity to check out a game they knew only for its peculiar name.

"My wife and I are in the early stages of planning our first cruise adventure," Thomas says. "We are not even considering ships without pickleball."

Dan Fellner of Chandler is a faculty associate at Arizona State University and freelance travel writer. Visit his website, [global-travel-info.com](http://global-travel-info.com).

### More about pickleball

U.S.A. Pickleball Association: [usapa.org](http://usapa.org).

Holland America Cruises: [hollandamerica.com](http://hollandamerica.com).

### More stories by Dan Fellner

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